

**COPY****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

WAGGONER

Atty. Ref.: 4091-2

Serial No. 09/740,486

Group: 1639

Filed: December 19, 2000

Examiner: Ponnaluri

For: CYANINE DYES AS LABELING REAGENTS FOR DETECTION OF  
BIOLOGICAL AND OTHER MATERIALS BY LUMINESCENCE  
METHODS

\* \* \* \* \*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Your petitioner, CARNEGIE MELLON UNIVERSITY, a corporation having an office and place of business/residing at 5000 Forbes Avenue, Pittsburgh, Pennsylvania 15213 represents that it is the assignee as recorded in an assignment at Reel 8358/Frame 0744, of all right, title and interest in and to Application Serial No. 09/740,486, filed December 19, 2000, for CYANINE DYES AS LABELING REAGENTS FOR DETECTION OF BIOLOGICAL AND OTHER MATERIALS BY LUMINESCENCE METHODS.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,225,050 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent granted on the above-identified application shall be the same as the legal title to the above-identified

*Proposed  
See Only*

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110 MARSHALL ST.  
SUITE 1400  
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# COPY

Patent No. 6,225,050. this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,225,050 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

CARNEGIE MELLON UNIVERSITY

By: Arthur R. Crawford

Arthur R. Crawford  
Assignee's Attorney

Date: Sept. 25, 2003

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In re Patent Application of Atty Dkt. 4091-2  
C# M#  
WAGGONER TC/A.U. 1638  
Serial No. 09/740,486 Examiner: Ponnaluri  
Filed: December 19, 2000 Date: April 7, 2005  
Title: CYANINE DYES AS LABELING REAGENTS FOR DETECTION OF BIOLOGICAL  
AND OTHER MATERIALS BY LUMINESCENCE METHODS

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Correspondence Address Indication Form Attached.

Fees are attached as calculated below:

Total effective claims after amendment 5 minus highest number  
previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment 2 minus highest number  
previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add \$360.00 (1051)/\$180.00 (2051) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$785.00 (2254) \$

Terminal disclaimer enclosed, add \$130.00 (1814)/ \$85.00 (2814) \$

Applicant claims "small entity" status.  Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$

Assignment Recording Fee \$340.00 (8021) \$

Other: Copies of three Terminal Disclaimers \$

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: 